

Pendley led the Agency illegally, without Senate confirmation, under the previous administration: Pendley, a fringe climate change denier who explicitly called for the Federal Government to sell off all its public lands and who actively encouraged armed standoffs between law enforcement and ranchers.

It is a shame that we have people who put politics above people and our public lands, but that is the unfortunate reality of the U.S. Senate in Washington, DC.

The person these folks have made Tracy out to be is not the person that I have known and worked with over the last decade-plus. If she were that, I would not be standing here supporting her today. She will bring good old-fashioned Montana common sense to the Bureau of Land Management, along with a steadfast dedication to manage our public lands and the thousands of jobs that rely on those public lands. She will lead the Agency with dignity and honor and integrity.

And, as she has done her entire career, Tracy will bring folks together, from both sides of the aisle and all sides of the issue, to get things done and make a real impact on our public lands.

I am proud to support Tracy Stone-Manning, and I look forward to seeing the great work that she will do as the next leader of the Bureau of Land Management. I urge my colleagues to do the same.

Mr. President, I ask unanimous consent that all remaining time be yielded back.

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

VOTE ON MOTION TO DISCHARGE

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to discharge the nomination of Tracy Stone-Manning, of Montana, to be Director of the Bureau of Land Management.

Mr. TESTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 280 Ex.]

YEAS—50

Baldwin	Duckworth	Klobuchar
Bennet	Durbin	Leahy
Blumenthal	Feinstein	Lujan
Booker	Gillibrand	Manchin
Brown	Hassan	Markey
Cantwell	Heinrich	Menendez
Cardin	Hickenlooper	Merkley
Carper	Hirono	Murphy
Casey	Kaine	Murray
Coons	Kelly	Ossoff
Cortez Masto	King	Padilla

Peters
Reed
Rosen
Sanders
Schatz
Schumer

Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen

Warner
Warnock
Warren
Whitehouse
Wyden

NAYS—49

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Murkowski
Paul

Portman
Risch
Romney
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—1

Rounds

The motion was agreed to.
The PRESIDING OFFICER (Mr. PETERS). The nomination is discharged and will be placed on the calendar.

The majority leader.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.
The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 232.

The PRESIDING OFFICER. The question is on agreeing to the motion.
The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Ur Mendoza Jaddou, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 232, Ur Mendoza Jaddou, of California, to be Director of the United States Citizenship and Immigration Services, Department of Homeland Security.

Charles E. Schumer, Richard J. Durbin, Jacky Rosen, Debbie Stabenow, Edward J. Markey, Sheldon Whitehouse, Tina Smith, Amy Klobuchar, Michael F. Bennet, Christopher Murphy, Elizabeth Warren, Jack Reed, Richard Blumenthal, Ron Wyden, Catherine Cortez Masto, Kirsten E. Gillibrand, Gary C. Peters.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, July 27, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I am here once again to shed a little light on the dark money scheme to capture and control our Supreme Court.

As folks may recall, my first two speeches covered the early foundation of this scheme—a prominent conservative lawyer Lewis Powell's detailed strategy memo for the corporate U.S. Chamber of Commerce and then Justice Lewis Powell's work on the Court to assure his corporate power strategy's success.

From there, I turned to what historian Richard Hofstadter called the paranoid style in American politics and how extreme anti-government megadonors like the Kochs harness that rightwing fringe and how, at the same time, they had at their disposal the polished mercenaries of corporate administrative agency warfare.

Then I discussed the scheme's two big recent dark money wins at the Supreme Court—the AAPPF dark money case and the Brnovich voter suppression case.

The nutshell overview of all of this is that it is a short jump for big donors from regulatory capture, which is a well-understood and broadly observed phenomenon, to applying known techniques of regulatory capture to capture a court.

As the big donors had this realization and made this jump, one of their most important players in applying capture techniques to the judiciary has been the Federalist Society.

I will start with some very straightforward observations. Every member of the Court's six-Justice Republican majority is a current or former member of the Federalist Society.

Justices regularly headline Federalist Society fundraisers, like the gala Brett Kavanaugh chose for his first major public speaking engagement after his disastrous confirmation, and they boast of their association with the group. The Federalist Society is a dark money organization. It receives millions in anonymous donations.

The Federalist Society carefully vetted and promoted each member of the current Court majority. Each member rose to the top of the group's donor-approved slates of nominees. Each was backed by the Federalist Society's extended network of satellite groups.

For the dark money forces behind the capture of the Court, the Federalist Society became their nomination's gatekeeper.

The Federalist Society has three component efforts. The first is basically a law school debate club. At more or less every law school in the country, they organize seminars and invite academics, judges, attorneys to speak. It is pretty standard law school stuff.

The second is a fairly run-of-the-mill Washington think tank. They issue newsletters, host podcasts, convene events with conservative legal luminaries. This think tank's mission is to "reorder priorities within the legal system" and to create a network of members that "extends to all levels of the legal community."

Then there is the third Federalist Society operation. This is the gatekeeper. It doesn't really care about fostering young legal minds. It doesn't care about galas or podcasts either. It cares about one thing: the allegiance of Republican-appointed Justices to right-wing donors' interests. And the dark money sluice gates into the Federalist Society provide the perfect means of influence. Money talks. Dark money whispers.

The Federalist Society gatekeeper role began with the hiring of a Cornell Law graduate named Leonard Leo, fresh from a clerkship in 1991.

Leo's first task was building the lawyers division to serve as a pipeline for rightwing lawyers to rise through the Federalist Society ranks toward the Federal courts.

Observers say the Federalist Society didn't hire Leo for his skill as an attorney. What they saw in him was a savvy networker and fundraiser.

Johns Hopkins professor Steven Teles, who has written extensively on Leo and the Federalist Society, says the idea was to build what he called "a network . . . with Leonard Leo at the center . . . [to] give conservatives a chance to meet one another and check one another out."

Under Leo's new system, "the one thing all the lawyers [would] have in common is that they all know Leonard, and he knows all of them."

Big rightwing donors recognized the opportunity that Leo's Federalist Society operation presented: a trusted broker to sift through eager legal talent and pluck out adherents to donor-friendly, rightwing legal doctrines and then push the most promising adherents toward judgeships, where they could advance the scheme's ultimate goal of courts that will reliably rule in the donors' favor.

As the *New Yorker's* Jeffrey Toobin has written, Leo quickly attracted the preeminent scheme funders, including

the foundations of rightwing megadonors John Olin, Lynde and Harry Bradley, Richard Scaife, and, of course, the perennially mischievous and malign Koch brothers.

The scheme also raked in anonymous funding through Donors Trust—what has been called the dark money ATM of the right.

As another observer of the conservative legal movement Professor Amanda Hollis-Brusky said, "The funders all got the idea right away—that you can win elections, you can have mass mobilizations, but unless you can change . . . the courts, there are limits to what you can do."

The second Bush administration, the Federalist Society quietly became the big donors' nominations turnstile.

Bush and his team welcomed Leo's help. It made things easy. Need someone to pay for public relations cavalry to rescue a struggling circuit court nominee? Leo's donors made it happen.

According to a 2003 email from a White House staffer to the then-Presidential Staff Secretary, a young guy by the name of Brett Kavanaugh, Leo coordinated "all outside coalition activity regarding judicial nominations."

In another email uncovered by the Washington Post, Bush aides referred to Leo explicitly as their judicial nominations cash machine.

"Leonard Leo will know," they said, "where to find money to hold a presser for a failing nominee." That is from one Bush aide to another.

They go on: "We probably don't want the fed soc"—Federalist Society—"paying for it, but he might know some generous donor."

Leo's official fed soc bio, still online today, boasts that he "organized the outside coalition efforts in support of the Roberts and Alito U.S. Supreme Court confirmations." The goal, of course, was to change the Court. The Court changed.

Under Chief Justice Roberts, the Court's Republican-appointed majority served up scores of partisan 5-to-4 decisions, delivering partisan win after partisan win to identifiable Republican donor interests.

Even before the Republican majority expanded to 6, that run of wins reached 80—80 partisan 5-to-4 decisions—a judicial rout favoring very happy rightwing donors.

When Donald Trump assumed office, the Federalist Society gatekeeper role became even more obvious and even more toxic.

You may recall that dark money emperor Charles Koch made waves when he told his rightwing network he could support neither Hillary Clinton nor Donald Trump in 2016.

But the house of Koch and the house of Trump soon reached an accommodation. The house of Koch decided on a grand Trump gesture for their scheme donors—let their operative, Leonard Leo, handpick a list of Supreme Court nominees for Trump to announce early in the general campaign. For the price

of known, scheme-approved Supreme Court prospects, peace might be acquired between house of Koch and house of Trump. Trump announced the list.

For what it is worth, I think the rest of the accommodation was for house of Trump to turn over all energy and environmental positions in government to climate change deniers approved by house of Koch, and at the end of the day, it was probably a lot of the same dark money behind both of those accommodations.

Anyway, rewind to 2016 and recall how large the Supreme Court loomed over that Presidential campaign.

Justice Scalia died suddenly during a hunting trip. MITCH MCCONNELL broke with all Senate norms and denied President Obama any hearing or vote for President Obama's pick to replace Scalia, Judge Merrick Garland.

This vacancy would decide the partisan balance of the Court, which meant the 2016 election would determine whether the 5-to-4 rightwing majority that had delivered so abundantly for the donors would end or be renewed for years or even generations.

Remember Lewis Powell's memo to the Chamber, "The judiciary may be the most important instrument for social, economic, and political change" in all of government. Well, nothing could focus the scheme's donors on the stakes of that election more clearly than that vacancy.

With Scalia's sudden death, the scheme was at risk. So scheme donors' dark money flowed in ever-larger amounts to the Federalist Society, to Leonard Leo, and to Donald Trump.

Ambitious judges noticed. A court of appeals judge described to me the conduct of some of its colleagues as auditioning—auditioning. They weren't just deciding cases for the parties before them, they had another audience beyond the courtroom. You don't audition without someone to audition to. These judges knew they were being assessed, and they auditioned. And no one auditioned harder than Brett Kavanaugh. He filled his court of appeals decisions with signaling, and even set the record for speeches to the Federalist Society. I think it was over 50. He knew who he was auditioning for.

When Trump took the White House, the Federalist Society assumed control of judicial nominations, at least the important ones. Trump said so himself. He wasn't even subtle about it. House of Trump had peace to keep with House of Koch. This was no time for subtlety. Trump's new White House Counsel, Don McGahn, even joked about this role, of course, at a 2017 Federalist Society event. He said:

Our opponents of judicial nominees frequently claim the President has outsourced his selection of judges. That is completely false. I have been a Member of the Federalist Society since law school. Still am. So, frankly, it seems like it's been in-sourced.

Leo became the gatekeeper in chief, actually taking leaves of absence from

the Federalist Society to advise Trump directly on Supreme Court nominations.

Now, there are unanswered questions about whether this was even legal, but the point was clear. Virtually all major Trump nominees would be scheme-chosen, donor-approved FedSoc members. And, indeed, 86 percent of Trump's Supreme Court and appellate court nominees were or are members.

Leo and the Federalist Society's control ran deep. In Leo, the donors controlled an agent to orchestrate every aspect of Supreme Court judicial battles, and they provisioned him with dark money beyond imagining, and with a devious structure of front groups to hide behind while effectuating their scheme.

We are still learning about the scope of Leo's covert funding and influence, but a 2019 Washington Post expose painted a remarkable picture: a vast network of Leo-affiliated front groups; shell entities with no employees and vague connections to Leo cutouts; shared post office boxes; common contractors and officers across nominally separate entities, even some sharing Presidents; dark money funders, anonymous advertising, and enormous pay packages for operatives.

It has the earmarks of a covert operation of the sort that is run by hostile countries in the intelligence arena. But this covert operation was run in America against America by Americans. By the Post's reckoning, \$250 million in dark money flowed through this apparatus. Testimony before the Senate Judiciary Committee's Courts Subcommittee, which I chair, has since updated that number to \$400 million. Groups in this apparatus have gorged on dark money, their coffers swelling by orders of magnitude as Leo's influence grew.

For example, in 2002, DonorsTrust, the scheme's dark money ATM, had contributed \$5,000 to the Federalist Society. Scroll forward to the most recent year on record: It contributed \$7 million.

Before 2010, the Federalist Society received an occasional anonymous gift of \$1,000 or more, at most one per year. Over the last decade, it averaged more than a dozen each and every year. Donors were not kidding around, not with that kind of money—\$400 million. The scheme to capture the Court was deadly serious.

Eleven days after Donald Trump was sworn into office, he announced Neil Gorsuch—a name from the Federalist Society's infamous list—to fill Scalia's former seat. Then Brett Kavanaugh was hand-walked by Leonard Leo to the top of the list, after all his ardent auditioning from his court of appeals seat. And 7 days before Donald Trump lost the 2020 election, Amy Coney Barrett—a Federalist Society member and regular feature speaker at Federalist Society events—filled Ruth Bader Ginsburg's seat. The scheme's Federalist Society gatekeeper operation

had delivered to its big donors a complete overhaul of the Court in less than 4 years.

One man, his secretive array of front groups, and hundreds of millions of scheme donors' money, delivered a donor-approved six-Justice majority to the Court.

The Federalist Society was the turnstile that controlled the appointments, and dark money was the inducement that controlled the turnstile.

To be continued.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, as I give the closing remarks, I want to alert everyone listening that, at the conclusion of the closing, Senator INHOFE will hold the floor for his remarks, and his remarks will be regarding our common friend, Senator Enzi.

NOMINATION REFERRAL

Mr. WHITEHOUSE. Mr. President, let me first ask unanimous consent that the nomination of PN913, James D. Rodriguez, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training, be jointly referred to the Committee on Health, Education, Labor, and Pensions and to the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ALBERT TREVINO

• Mr. CORNYN. Mr. President, today I wish to congratulate Albert Trevino on his retirement from the U.S. Border Patrol, after 26 years of faithful service to the American people.

Albert started his law enforcement career right out of college in 1987, with the police force in his hometown of Harlingen, TX. In Harlingen, he served as patrol officer for the police department for 5 years before being promoted to an instructor and background investigator.

In 1995, he joined the U.S. Border Patrol, ready to face greater challenges. He first served in El Paso, before securing a transfer back to Harlingen several years later to patrol and protect his hometown community.

During his career, Albert has had the opportunity to serve on the prosecutions detail working with the U.S. At-

torney's Office on prosecuting criminal aliens, has been a post academy instructor in both immigration law and Spanish for his fellow agents, and has assisted the inspector general's office on background investigations. In the course of his career, Albert has helped apprehend literally thousands of illegal border-crossers and dozens of narcotics smugglers.

Many of us in the Senate know Albert through his work as an elected official with the National Border Patrol Council. He was first elected to office in the Rio Grande Valley Sector Local in 1999 and then as a national vice president in 2011. As national vice president, he has chaired the legislative committee for 10 years, and for many of us here in Washington, Albert has been the face of our Nation's Border Patrol agents. He has represented them faithfully and, in doing so, has helped support the agents who keep Americans safe. It is no overstatement to say every Senate office engaged on border security issues over the last decade has likely worked with Albert on an issue. His efforts on Capitol Hill were instrumental in the passage of the Border Patrol Pay Reform Act in 2014, that gave Border Patrol agents a stable pay system for the first time in 40 years.

I have had the pleasure of working with Albert on legislation to give Border Patrol agents wage parity with other Federal law enforcement agencies by restoring Fair Labor Standards Act overtime. I had hoped we could pass this legislation before Albert retired, but will keep working to bring this to fruition.

I would also like to recognize Albert's incredible family who have supported him throughout his career. A successful career in law enforcement is a team effort that involves the entire family. Border Patrol agents work long hours under extremely harsh conditions. It is a 24/7 operation, and agents must work nights, weekends, and holidays. Family holidays and celebrations often get missed when you have to work; yet Albert's family has been unwavering in their support for him. I am grateful for the commitment shown by Albert's wife of 30 years, Edna, and their children Alisa and Danny.

In closing, I would like to thank Albert for his 26 years of Federal service to this country, to the people of the great State of Texas, and to his community of Harlingen. We wish you and your family well in your retirement, and we hope you see continued success in future endeavors.●

TRIBUTE TO NORMAN LEAR

• Mr. PADILLA. Mr. President, I rise to recognize the 99th birthday of Norman Lear, a man who came to Hollywood and entertained the Nation, then dedicated his life to bettering it as a champion for progressive values.

Born in 1922, Norman Lear served bravely in the Air Force during World